REMARKS

I. Introduction

Applicants have amended claim 1 in order to further clarify the scope of the present invention. Support for the amendment to claim 1 may be found, for example, on page 7, lines 17-20 and page 11, lines 1-6 of the specification. No new matter has been added.

Applicants appreciate the granting of interviews by the Examiner on May 16 and June 21, 2007, during which the proposed amendments to claim 1 were discussed. During the June 21, 2007 interview, the Examiner did acknowledge that upon first examination, the added limitations were not taught or suggested by the cited prior art, although it is noted that the Examiner made it clear that a further review of the prior art will be conducted before any decision is made on the allowability of the claims.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection of Claims 1, 6, 8, 9 And 11 Under 35 U.S.C. § 103

Claims 1, 6, 8, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi et al. (JP Pub. No. 62-234878) in view of McCall (USP No. 5,994,669). Applicants respectfully traverse the pending rejections for at least the following reasons.

With regard to the present invention, amended claim 1 recites a battery storing device comprising: a battery storing section that can store a battery inside and has a heat retaining function of retaining heat of the battery that is stored inside using vacuum heat insulating material; a heat retention releasing mechanism for releasing the heat retaining function; and an independent discharge circuit having a heating resistor, whose resistance increases automatically,

so that heat generating current stops, wherein the heat retention releasing mechanism opens and closes an opening for making air flow between the inside and outside of the battery storing section; and said independent discharge circuit is electrically connected to the battery and can perform discharge independently from the charge/discharge operation of a main circuit.

One feature of the present invention is that the independent discharge circuit (including the PCT device 17) is electrically connected to the battery 1 (see, Fig. 1 of the present invention) and can perform discharge independently from the charge/discharge operation of a main circuit. This feature allows for the battery storing device to perform the discharge operation with the independent discharge circuit independently form the discharge operation of the main circuit even when the device is left in a low temperature environment for long periods of time.

In contrast to the present invention, McCall fails to teach or suggest a battery storage unit in which the independent discharge circuit is electrically connected to the battery. It is admitted in the Office Action that Hashiguchi fails to disclose that the independent discharge circuit is directly coupled to the battery and can perform discharge independently from the charge/discharge operation of a main circuit. This is also true for the circuit being electrically coupled to the battery. However, it was alleged that McCall teaches that the independent discharge circuit is directly coupled to the battery by means of the warmer circuit being wrappable around the battery. However, this warmer circuit, being contained in a casing or blanket, is not electrically connected to the battery (see, Abstract of McCall). As such, McCall fails to disclose the above cited feature.

Furthermore, neither reference discloses the limitation wherein the independent discharge circuit having a heating resistor, whose resistance increases automatically, so that heat generating

current stops. Hashiguchi and McCall are silent with respect to a heating resistor whose resistance increases with the increase of temperature in order to control the heat generating current in the heating element. In addition, the Examiner acknowledged during the interview of June 21, 2007 that neither reference teaches this limitation. As such, the combination of Hashiguchi and McCall fail to teach or suggest claim 1 of the present invention.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As Hashiguchi and McCall, at a minimum, fail to disclose or suggest a battery storing device which includes an independent discharge circuit having a heating resistor whose resistance increases automatically, so that heat generating current stops, that is capable of being electrically connected to the battery which can perform discharge independently from the charge/discharge operation of a main circuit, it is clear that neither Hashiguchi nor McCall render amended claim 1 obvious. As such, Applicants respectfully request that the § 103 rejection of amended claim 1, and all pending dependent claims thereon, be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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